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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530

EXAMINER

LINDSEY, RODNEY M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,516

Applicant(s)

PETROU, NICOLEON

Examiner

Rodney M. Lindsey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 4,16-24 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,25-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of the species of Figure 2 in the reply filed on October 17, 2005 is acknowledged. The traversal is on the ground(s) that the claims are not mutually exclusive and that generic claims are present. This is not found persuasive because the presence of claims which read on more than one species does not preclude the independence of the species (see MPEP 806.04(e)). With respect to generic claims, claim 25 does not read on the species of Figure 6 while claims 29-31 do read on all the species and are now considered to be generic claims. Note also that claim 27 is seen to read on the species of Figure 2.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 4, 16-24 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 17, 2005.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "52". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

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1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: in paragraph [0036] "and 22" it appears should be --end 22--, in paragraph [0062] "208" it appears should be --510--, in paragraph [0063], line 7 "third" it appears should be --fourth--, in paragraph [0066] "504" it appears should be --604-- and in paragraph [0067], line 2 "618" it appears should be --614-- and line 8 "610" it appears should be --614--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 25-27 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 25 the recitation of "the hanger" on line 8 of the body of the claim makes the claim confusing as the hanger is understood to comprise the first locking bar and therefore the first locking bar cannot dually define a distinct element secured to the hanger. Likewise the recitation of "the hanger" on line 3 of claims 26 and 27 make such claims confusing. Claim 30 is confusing as to whether the "support" on line 3 is the same as or is in addition to the "support" set forth on line 4 of claim 29.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogan. With respect to claim 1 note the first hook portion as at 2, the central body portion as at 1, first and second arms 3, 4, first locking bar as at 11 and first and second support bars as at 15. With respect to claim 2 note the first and second locking bars as at 11, 11. With respect to claim 3 note Figure 1 and such dimensions of the locking bar 11 relative to the support bar 15. With respect to claim 5 note the complementary profiles as shown in Figure 2. With respect to claim 6 note the narrowing width of 12 of locking bar 11 as shown in Figure 1. With respect to claim 7 note the downwardly sweeping arms 3 and 4 as shown in Figure 1. With respect to claim 8 note the upward sweep of the locking bar 11 as claimed as shown in Figure 1. With respect to claim 9 note the upward sweep of the support bars 15 as claimed as shown in Figure 1. With respect to claim 10 note the inclined edge as at 6 on portion 1 as shown in Figure 1. With respect to claim 11 note the recesses as at 9. With respect to claim 12 note the flange 6. With respect to claim 14 note the second hook as at 14. Product-by-process claim 15 although reciting structure in terms of how it is made, injection molding, is still a product claim and it is the patentability of the product and not the process step that must be determined. Hogan in teaching the use of plastic (see column 1, line 43) is seen to teach all the structure claimed in claim 15.

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9. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard et al. With respect to claim 25 note the hook portion at 17 above a central body or hook base at 19, and first and second arms equivalent to right and left halves of bar 12 and first locking bar 11. With respect to claim 27 note the first arm equivalent to the right half of bar 12.

10. Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by British patent to Hawkins et al. With respect to claim 29 note the provided hanger of Figure 1 having the hook portion 1, the support 6 and the flexible locking bar 8, the once folded article or garment shown in Figure 2, the positioning of the folded article between the locking bar 8 and the support 6 as shown in Figures 2, 3, the positioning of the other side of the folded article above the locking bar as shown in Figures 2, 3 and the deflecting of the locking bar by the weight of the article as shown in Figure 3. With respect to claim 30 note the hook portion at 1 for engaging a support not shown. With respect to claim 31 note the complementary profiles of the locking bar 8 and support 6 as shown in Figure 2.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan in view of Uke. Hogan does not teach the varying flange width as claimed. Uke teaches varying the width of the flange 28 to control the flexibility of a hanger. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the flange of Hogan with the

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varying width of the flange 28 of Uke to achieve the advantage of controlling the flexibility of the hanger and therefore the load carrying capacity of the hanger.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. in view of Skinner. Blanchard et al. do not teach the use of a second locking bar as claimed. Skinner teaches the use of first and second locking bars 2, 4 on a single hanger. It would have been obvious to provide the hanger of Blanchard et al. with a second locking bar in the manner of Skinner to achieve the advantage of accommodating an additional garment.

#### ***Conclusion***

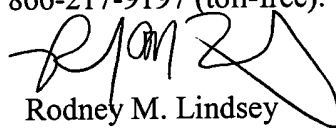
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note particularly, the deflectable portions of Hendrix, European patent to Mainetti, Kupchik, Saliaris, McLean, Hasselback, German publication to Zuran et al., German publication to Nigge and Meckstroth, the flange widths of Jacobson et al., the hook portions of Dongas and LaMont and the locking bar arrangements of Shafarman, Patch and Japanese patent to Sato.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Lindsey whose telephone number is (571) 272-4989. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney M. Lindsey  
Primary Examiner  
Art Unit 3765

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